



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,469	03/11/2004	David L. Dooley	114.0001	7696
35987	7590	09/22/2008		
JOSEPH P. CURTIN 1469 N.W. MORGAN LANE PORTLAND, OR 97229			EXAMINER JACKSON, DANIELLE	
			ART UNIT	PAPER NUMBER
			3636	
			MAIL DATE	DELIVERY MODE
			09/22/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,469

Applicant(s)

DOOLEY, DAVID L.

Examiner

DANIELLE JACKSON

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 42 and 43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Leano (US-1,509,157).

Leano discloses a cane comprising: a solid shaft portion (10) comprising a first end (the end closer to handle 15), a second end (the end closer to the ground), a length and a width, the second end of the solid shaft portion capable of being detachably coupled to a tip portion (14; page 1, lines 48-50), the length being between the first and second end, the width being substantially perpendicular to the length, the solid shaft portion being formed from a single material substantially along the width; and hollow elongated chamber portion (11, 32 being the hollow portion of 11) comprising a first end and a second end, the second end of the hollow chamber being detachably coupled to the first end of the solid shaft portion (page 1, lines 41-48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6, 7, 12, 17, 18-20, 23 and 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Leano (US-1,509,157) in view of Thorn (CA-2,279,597).

Claim 1: Leano discloses a cane comprising: a solid shaft portion (10) comprising a first end (the end closer to handle 15), a second end (the end closer to the ground), a length and a width, the second end of the solid shaft portion coupled to a tip portion (14; page 1, lines 48-50), the length being between the first and second end, the width being substantially perpendicular to the length, the solid shaft portion being formed from a single material substantially along the width; and hollow elongated chamber portion (11, 32 being the hollow portion of 11) comprising a first end and a second end, the second end of the hollow chamber being detachably coupled to the first end of the solid shaft portion (page 1, lines 41-48).

While Leano does teach a tip portion, if it found that the tip is not detachably coupled to the second end of the solid shaft, Thorn discloses a trekking staff comprising: a shaft portion (10) having a first end (the end located near 14 in FIG.1) and a second end (the end on which cap 44 is located), the second end of the shaft being detachably coupled to a tip portion (24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leano to include a detachable tip portion, as suggested by Thorn, so that the tip can be replaced if necessary.

Claims 6 and 7: Thorn teaches a grip portion that conforms to the shape of the trekking staff (38 has a textured grip; page 4, lines 18-19). It would have been obvious to one of ordinary skill in the art to modify Leano to include a grip portion that conforms to the staff, as suggested by Thorn, so the staff can be easily grasped by the user.

Claims 17, 18 and 20: Thorn teaches a tapering detachable tip portion (24) that is coupled to the shaft, wherein the cross-section of the tip portion is round. Thorn further teaches the tip portion to have an aperture (30) sized to receive a cord-like material (32; page 4, lines 9-11).

Claim 19: Leano and Thorn teach the tip portion to have a round cross-sectional shape, however it is well within the skill level of one with ordinary skill to change the shape of the tip so the tip portion can be used on different terrains.

Claims 12, 23 and 28: Thorn teaches the hollow elongated chamber portion (20) to contain survival gear, such as a first aid kit and a flashlight/light emitting device (page 3, lines 20-24). It would have been obvious to one of ordinary skill in the art to modify Leano to include survival gear, as suggested by Thorn, in case of emergency.

Claims 2-5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leano (US-1,509,157) as applied to claim 1 above, and further in view of Morosini et al. (US-6,772,778 B2).

Claims 2-5: Leano lacks a direction finding device. Morosini et al. discloses a trekking staff including a compass (210; column 4, lines 1-4). Morosini et al. is silent on whether the compass is mechanical or electronic, however it would have been obvious to have either type of compass as both are well-known. Morosini et al. further includes a carrier located on the shaft that can hold a GPS system (column 4, lines 61-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leano to include a compass or GPS system in the hollow chamber portion, as suggested by Morosini et al., so that one using the trekking staff may having a way of locating safety in case of emergency or if one gets lost.

Claim 22: Leano lacks the hollow elongated chamber portion as having a water collection system. Morosini et al. discloses a trekking staff wherein a water collection system, such as water bottle, can be attached the staff (column 5, lines 10-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leano to include a water collection system, such as the one suggested by Morosini et al., so that one using the trekking staff can stay hydrated.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leano (US-1,509,157) in view of Thorn (CA-2,279,597) as applied to claim 6 above, and further in view of Folise (US-D448,152 S).

The combination is discussed above and teaches a grip portion, but lacks the grip portion comprising a strand of cord-like material. Folise shows a trekking staff having a grip portion comprised of a strand of cord-like material, wherein the strand is

wrapped around the spool-shaped grip portion. Folise shows the strand of cord-like material as forming loops that wrap around the grip portion, wherein the loops are adjustable in size given that cord-like material can be adjusted. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to use cord-like material to wrap around the grip portion, as suggested by Folise, to provide a cheap, replaceable alternative to having a rubber grip portion.

Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leano (US-1,509,157) in view of Thorn (CA-2,279,597) as applied to claim 12 above, and further in view of Own (US-5,667,293).

The combination is discussed above and teaches the trekking device to include a light emitting device, but lacks the device having a plurality of colors and the ability to be constant or flashing. Own teaches a flashlight, wherein one can selectively control whether the light emitted is constant or flashing (column 5, lines 46-49). Own further teaches the flashlight to emit a plurality of colors (column 1, lines 35-37), wherein the color emitted can be selected (column 1, lines 28-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a light emitting device that has the features suggested in Own in order to provide a light emitting device with many purposes that may increase the range of light emitted.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leano (US-1,509,157) in view of Thorn (CA-2,279,597) as applied to claim 23 above, and further in view of Harper (US-7,163,101 B2).

The combination is discussed above and teaches a first aid kit located in the hollow elongated chamber portion, however Thorn does not specifically disclose the dispensing method of the contents on the kit. Harper teaches a single-use medication dispenser comprising: a reservoir containing a single-use portion of liquid; and a tearable opening through which the liquid material is dispensed (column 8, lines 53-57). Harper further teaches the liquid can be many various types of medication, including a

liquid-type bandage material and an antiseptic (column 7, lines 58-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a single-use medication dispenser such as the one taught by Harper so that one has a convenient way of carrying a small dosage of necessary elements in case of an emergency.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leano (US-1,509,157) as applied to claim 1 above, and further in view of Kelley (US-2002/0104560 A1).

Leano lacks a water purification system. Kelley discloses a trekking staff that has a hollow chamber that can hold water purification tablets (paragraph 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leano to include water purification tablets, as suggested by Kelley so that one has a way to purify water in an emergency.

Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leano (US-1,509,157) as applied to claim 1 above, and further in view of Harper (US-7,163,101 B2).

Leano lacks a single-use medication dispenser. Harper teaches a single-use medication dispenser comprising: a reservoir containing a single-use portion of liquid; and a tearable opening through which the liquid material is dispensed (column 8, lines 53-57). Harper further teaches the liquid can be many various types of medication, including a liquid-type bandage material and an antiseptic (column 7, lines 58-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leano to include a single-use medication dispenser such as the one taught by Harper so that one has a convenient way of carrying a small dosage of necessary elements in case of an emergency.

Claims 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leano (US-1,509,157) as applied to claim 1 above, and further in view of Ellis (US-5,973,618).

Leano lacks a communication device. Ellis discloses a walking stick that has a communication device (36) comprising a communication receiver (148), a transmitter (146), a voice communication (72), and a bidirectional communication device (154; column 18, lines 52-57), wherein the transmitter transmits a homing signal and positional information of the stick (column 18, lines 20-26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leano to include a communication device, as suggested by Ellis, so that the one using the trekking staff could be found if lost.

Claims 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leano (US-1,509,157) in view of view Davis (US-6,745,786 B1).

Claims 36-39: Leano discloses a cane comprising: a solid shaft portion (10) comprising a first end (the end closer to handle 15), a second end (the end closer to the ground), a length and a width, the second end of the solid shaft portion capable of being detachably coupled to a tip portion (14; page 1, lines 48-50), the length being between the first and second end, the width being substantially perpendicular to the length, the solid shaft portion being formed from a single material substantially along the width; and hollow elongated chamber portion (11, 32 being the hollow portion of 11) comprising a first end and a second end, the second end of the hollow chamber being detachably coupled to the first end of the solid shaft portion (page 1, lines 41-48). However, Leano lacks an audio reproduction device. Davis teaches a walking stick with an audio reproduction device (50), which can include musical output (column 4, lines 39-45). It would have been obvious to one of ordinary skill to specifically include an MP3 player or a tape player. It also would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Leano to include an audio reproduction device, as suggested by Davis, for entertainment purposes.

Claims 40-41: Leano shows a stick wherein the shaft portion is solid, however it would have been obvious to one of ordinary skill to make the shaft a tubular shaft, as in Davis, so as to reduce production costs.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leano (US-1,509,157) in view of view Davis (US-6,745,786 B1) as applied to claim 37 above, and further in view of Thorn (CA-2,279,597).

The combination is discussed above but lacks the second end of the tip portion comprising one of a tapered and an aperture comprising a size that allows a cord-like material to pass through the aperture. Thorn teaches a tapering detachable tip portion (24) that is coupled to the shaft, wherein the cross-section of the tip portion is round. Thorn further teaches the tip portion to have an aperture (30) sized to receive a cord-like material (32; page 4, lines 9-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include a tip portion having an aperture for a cord-like material to pass through, as suggested by Thorn, so that the tip can easily be removed and stored somewhere.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis (US-6,745,786 B1) in view of Thorn (CA-2,279,597).

Davis discloses a trekking staff comprising: a shaft portion (26) having a first end (coupled to 20) and a second end (the end having element 42 attached thereto); and a hollow elongated chamber portion (20) having a first end (coupled to 24) and second end (coupled to 26), the hollow chamber portion containing an audio reproduction device (50). Davis lacks the second end of the shaft portion being detachably coupled to a tip portion. Thorn discloses a trekking staff comprising: a shaft portion (10) having a first end (the end located near 14 in FIG.1) and a second end (the end on which cap 44 is located), the second end of the shaft being detachably coupled to a tip portion (24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Davis to include a detachable tip portion, as suggested by Thorn, so the staff can be used on various different terrains.

Response to Arguments

Applicant's arguments with respect to claims 1 and 37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DANIELLE JACKSON** whose telephone number is (571)272-2268. The examiner can normally be reached on Monday through Friday 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. J./
Examiner, Art Unit 3636

/DAVID DUNN/
Supervisory Patent Examiner, Art Unit 3636